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APPROVED Minutes of May 17, 2017 ZBA Meeting

Attendees: Regular Members: Carl Slusarczyk, Marisa Roy, Jason Cormier, Bruce Skivington
Alternate Members: Carmen Melaragno and Howard Steinberg
Absent Member(s): Don Schubert, Chairman

Also present: Andy Marchese, Zoning Enforcement Officer/Staff Liaison
Debra Sterling, Recording Secretary

The meeting was called to order at 6:35 p.m. by Board Secretary, Jason Cormier, acting Chairman in Don Schubert's absence. Mr. Cormier then read the opening statement.

All Members of the Board introduced themselves.

Jason Cormier read the Applications on the Agenda:

Application # ZBA-2017-03 **Dalmac Realty, LLC**, Applicant, seeking a Special Exception from the Vernon Zoning Regulations **Section 4.23.4.1 Laundromats serviced by public sewers**, to allow the use of a laundromat on the property located at **74 Union Street**, in the HD-DBR (Historic District – Downtown Business & Residential) Zone.

Application # ZBA-2017-04 **Kenneth W. & Sharon L. FitzGerald**, Applicants, seeking a Variance from the Vernon Zoning Regulations **Section 4.24.2.5 Minimum side yard setback of two hundred (200') feet when aggregate building(s) footprint(s) exceeds 40,000 square feet**, to allow a side yard setback of twenty-four (24') feet along the eastern side boundary line, to construct an eight (8') foot x sixteen (16') foot rear deck, on the property located at **32 Oakview Place**, in the PDZ (Planned Development Zone: Gerber Farm Area).

The first applicant was invited to come forward. The applicant introduced himself as Chris Dallas of Dalmac Realty, LLC, and Peter Macchi who appeared with Mr. Dallas.

Mr. Cormier asked Andy Marchese for his comments on the application. Mr. Marchese stated the applicant was seeking a Special Exception to open a laundromat at 74 Union Street serviced by public sewers, and that the property had a mixed use including a convenience store and apartments. Mr. Marchese further stated for the record that he spoke with Bob Hurd of the Historic Properties Commission, as the location of the property is in the Historic District – Downtown Business and Residential Zone, and Bob Hurd gave his permission for the applicant to proceed as there were not going to be any exterior changes.

Mr. Marchese then informed Mr. Dallas that he could make his presentation. Mr. Dallas stated that English was not his first language and asked the Board Members to stop him if there was something they

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could not understand. He stated that he has owned the building for approximately three years and he was looking to put a laundry facility in the vacant space to serve his eight tenants in the building; he was not looking for a big business. He stated he was having a difficult time finding/keeping a tenant there due to the location and the condition of the neighborhood. (Most of the recording is inaudible due to the applicant being seated too closely to the microphone and speaking too loudly).

Marisa Roy questioned Mr. Dallas about the space and if it was currently rented. Mr. Dallas responded he had a deposit for a bakery but he felt unsure if the bakery would stay. He stated there would be no baking there, only the sale of baked goods that would be delivered. Ms. Roy asked Mr. Dallas if this was separate from the laundromat. Mr. Dallas said no but he's been through 6 or 7 people with different plans and if the bakery did not go through, he wanted to put in a laundromat. Ms. Roy questioned if there was another laundromat in the area. Mr. Dallas responded no, there were some within several miles. Mr. Skivington questioned the number of apartments in the building; there are eight. Mr. Slusarczyk asked for clarification and asked if bakery didn't make it, the applicant would like to move forward with a laundromat? The applicant stated he was there to get approval for the laundromat because if the other tenant did not work out, he didn't want to keep going through this with other possible tenants. Mr. Melaragno questioned the current laundry facilities for the tenants; there are none. Mr. Melaragno questioned if the tenants would have access at all times to the laundromat, if it would be open to the public, and if the grocery store had any objections. Mr. Dallas said there were no objections; remainder of his answer is inaudible. Ms. Roy had additional questions about the bakery; Mr. Dallas began to give an explanation and Mr. Marchese intervened. Mr. Marchese explained the history of the space; that there have been several tenants interested over the last few years but due to the size of the space and location, Mr. Dallas is unable to keep a tenant there. Mr. Dallas approached Mr. Marchese with the idea of a laundromat and Mr. Marchese explained the process for a Special Exception. Mr. Marchese explained to the Board that there is currently no tenant in the space, and they needed to take the bakery off the table, the application is for a Special Exception for a laundromat.

Mr. Skivington and Mr. Marchese discussed the use of public sewers and size of the facility. Mr. Slusarczyk questioned who would be running the laundromat, if it was coin-operated, and if he would have security in place. Mr. Dallas said he would be on site and have an office in the laundromat; he would eventually add a security camera. Mr. Skivington questioned whether or not tenants would have keys to the laundry facility, Mr. Macchi indicated they would. Mr. Marchese stated that might not be allowable and would be dictated by the Fire Marshal and Building Official.

Mr. Cormier asked if anyone was present in favor or opposition to the application. No one came forward. Mr. Marchese asked Mr. Cormier to state for the record that Howard Steinberg was now present. Mr. Cormier stated that Mr. Steinberg arrived at 6:55 p.m.

The Public Hearing was closed and the Board Members held a discussion.

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Marisa Roy made a Motion to Approve the Special Exception to allow the use of a laundromat on the property located at 74 Union Street. Bruce Skivington seconded the Motion. All voting members (Carl Slusarczyk, Marisa Roy, Jason Cormier, Bruce Skivington and Carmen Melaragno) were in favor for a unanimous vote. Special Exception is Granted.

The second applicant was invited to come forward. The applicants introduced themselves as Kenneth and Sharon FitzGerald.

Mr. Cormier asked Andy Marchese for his comments on the application. Mr. Marchese stated the applicants were seeking a Variance to allow a side yard setback of twenty-four (24') feet, normally two hundred (200') feet, to construct a rear eight (8') foot x sixteen (16') foot deck. He explained that the property was located in Quail Hollow I and believed their unit was constructed in 2002-2003 at which time it was zoned as Planned Mixed Use Development Zone; in July 2005 all of Quail Hollow was rezoned as Planned Development Zone Gerber Farm area. When this subdivision was approved, and the unit was constructed, the side yard setback was only twenty (20') feet. The applicants are looking to enlarge their deck and are asking for a twenty-four (24') foot side yard setback; when their unit was originally built, there only had to be a twenty (20') foot side yard setback and in his opinion, they are still four (4') feet away from the original side yard setback in 2002-2003; the zone change is something they have no control over, nor anyone else that resides there, which is the reason they are here.

Mr. Slusarczyk asked Mr. Marchese why the zone changed; Mr. Marchese was not aware of the reason. Mr. Slusarczyk and other members of the Board asked Mr. Marchese to explain the zoning regulations regarding the two hundred (200') foot setback. Mr. Steinberg asked for clarification on which Quail Hollow properties were included. Mr. Steinberg asked the applicants if they have a deck now; Mr. FitzGerald responded they have a small deck now with a bow window over the deck making it approximately five (5') feet to the edge of the deck. Ms. Roy asked if they were just looking to extend the deck out; applicants responded yes. Mr. Slusarczyk questioned the total size of the deck; applicants responded they would be adding another eight (8') feet to the existing deck. Mr. Slusarczyk asked how long they have owned the property and if they were aware of the regulations; applicants responded one and a half years and they were not aware of the regulations, and when the applicant read the regulations he did not understand that it applied to each phase of Quail Hollow; Mr. Marchese again explained that each phase was a different parcel. Mr. Steinberg questioned whether the applicants have received permission from the association to construct the deck; they have. Mr. Melaragno and other Board Members began discussions about the rock wall on the property with the applicants. Mr. Slusarczyk began a discussion with Mr. Marchese concerning other residents needing variances due to the zone change. Mr. FitzGerald spoke about other units and their proximity to the property line. Board Members and Mr. Marchese discussed the hardship of this application, as well as the hardship of future applications being decided on a case by case basis depending on what is being constructed and the distance to the property lines.

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Mr. Cormier asked if anyone was present in favor or opposition to the application. No one came forward. The Public Hearing was closed and the Board Members held a discussion.

Bruce Skivington made a Motion to Approve the Variance to allow a side yard setback of twenty-four (24') feet along the eastern side boundary line, to construct an eight (8') foot x sixteen (16') foot rear deck on the property located at 32 Oakview Place, with the hardship being the zone change made on July 5, 2005, changing the side yard setback from twenty (20') feet to two hundred (200') feet. Marisa Roy seconded the Motion. All voting members (Carl Slusarczyk, Marisa Roy, Jason Cormier, Bruce Skivington and Carmen Melaragno) were in favor for a unanimous vote. Variance is Granted.

Next item on the agenda, review Draft Minutes of the March 15, 2017 meeting. Carl Slusarczyk made a Motion to Approve the March 15, 2017 Minutes. Marisa Roy seconded the Motion. All voting members (Carl Slusarczyk, Marisa Roy, Carmen Melaragno and Howard Steinberg) were in favor for a unanimous vote. Jason Cormier and Bruce Skivington were not present at the March 15, 2017 meeting.

Next item on the agenda, other business. There was no other business to discuss.

Bruce Skivington made a Motion to Adjourn the meeting. Carl Slusarczyk seconded the Motion. All voting members (Carl Slusarczyk, Marisa Roy, Jason Cormier, Bruce Skivington and Carmen Melaragno) were in favor for a unanimous vote.

The meeting was adjourned at 7:27 p.m.

Submitted by:


Debra Sterling